

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of
Telephone Number Portability

CC Docket No. 95-116

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS'
INITIAL COMMENTS

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Pursuant to Sections 1.41 and 1.49 of the Federal Communications Commission's ("FCC" or "Commission") Rules of Practice and Procedure, 47 C.F.R. Sections 1.41 and 1.49 (1994), the National Association of Regulatory Utility Commissioners ("NARUC") respectfully files these initial comments in response to the FCC's July 13, 1995 released "Notice of Proposed Rulemaking", ("NPRM") [FCC Release Number: FCC 95-284, 1995 FCC LEXIS 4653, 60 FR 39136 (August 1, 1995)], adopted July 13, 1995 in the above captioned proceeding. The NPRM seeks comments on various numbering portability issues.

I. INTEREST OF NARUC

NARUC is a quasi-governmental nonprofit organization founded in 1889. Members include those governmental bodies responsible for regulating carriers and utilities in all fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands. NARUC's mission is to improve the quality and effectiveness of public utility regulation in America.

Specifically, NARUC is composed of, inter alia, State and territorial officials charged with regulating telecommunications common carriers within their respective borders. These officials have the obligation to assure that communications services and facilities required by the public convenience and necessity are established, and that service is furnished at just and reasonable rates.

Because of the obvious need to devise a numbering portability ("NP") scheme, many States, as part of their efforts to encourage local exchange competition, are conducting workshops, trials and tests on various NP solutions. Cf. NPRM at Paragraphs 14-17, mimeo at 7-8. Whatever action the FCC takes in this docket has obvious impacts on existing State efforts to address this issue.

II. BACKGROUND

The NPRM adopted in this docket seeks comment on a wide variety of policy and technical issues concerning the portability of telephone numbers. Number portability is the ability of end users to retain their telephone number when they switch to a new service provider, a new location, or a new service. NP provides consumers with greater personal mobility and flexibility in the way they use telecommunications services, and it fosters competition among alternative providers of local telephone and other telecommunications services. Through this NPRM, the Commission intends to examine the overall benefits, technical feasibility, and implementation costs of NP in various forms.

In response to this NPRM, and another related order, NARUC passed two resolutions. One resolution, specifically addressing the FCC's final order "In the Matter of the North American Numbering Plan", CC Docket No. 92-237, notes that "[n]othing in the new NANP model prevents state regulatory commissions from continuing their oversight and decisions in the implementation of new Number Plan Area codes" and specifically commends "...the FCC for establishing a new NANP model that recognizes the changing telecommunications environment and the states' interest in the administration and oversight of numbering resources." As discussed in more detail, infra, the other resolution, which was passed in response to the instant NPRM, urges the FCC to coordinate its efforts with the ongoing State initiatives. Both resolutions are attached as Appendix A for your information and review.

III. DISCUSSION

A. More information (both monetary and nonmonetary) about the development and implementation of the different types of number portability should be collected.

In the NPRM, at Paragraph 7, mimeo at 4, the FCC tentatively concludes that NP benefits consumers of telecommunications services and would contribute to the development of competition among alternative providers of local phone and other telecommunications services. The Commission "recognize[s], however, that at this time [it] lack[s] sufficient information on the costs (monetary and nonmonetary) of making telephone numbers portable either between service providers, services, or locations."

The FCC goes on to conclude that it "should assume a leadership role in developing a national number portability policy." In light of these tentative conclusions, the FCC NPRM seeks comment on, inter alia, whether it should promulgate rules to ensure the development of various types of NP, the rules that should be promulgated, the costs and benefits of making such portability available, and other related implementation issues.

NARUC's July 1995 resolution specifically "...supports the notion that more information (both monetary and nonmonetary) is necessary about the development and implementation of the different types of telephone number portability, including service provider portability of 900 and 500 numbers, as number portability is an integral element of local exchange competition."

B. The FCC should allow and encourage State Commissions to move forward with NP workshops, trials, and scheduled full NP implementations as one means of gathering timely information about NP deployment.

As suggested in Paragraphs 20 - 22 of the NPRM, mimeo at 10, and in the cited quote from NARUC's resolution, supra, NP is an "integral element of" the development of competition among alternative providers of local exchange services. All of the States at an advanced stage of implementing local exchange competition have recognized the NP problem. Each has either opened an inquiry into NP issues, or have it explicitly or tacitly as an item to be addressed. Moreover, over the last few months, the number of States adopting a policy of encouraging local exchange competition has dramatically increased.

As of today, at least 35 states, through legislative fiat or Commission policy, have authorized facilities-based local exchange competition. The recent additions must also face the NP issues that are already the topic of numerous State in-depth proceedings, workshops, and technical trials. Cf. NPRM's discussion of State mediated NP trials at Paragraphs 14 -16, mimeo at 9 - 10.

Obviously, these State-mediated NP trials, workshops, and proceedings are rich sources of information about the costs, benefits, and drawbacks of various solutions to the NP problem. Indeed, the FCC, at paragraph 32 of the NPRM, mimeo at 13, explicitly "...encourage[s] these tests because they will provide empirical evidence and other relevant information."

Accordingly, NARUC urges the FCC to continue to allow and encourage States to move forward with their existing and future NP workshops, trials and tests as one means of gathering timely information about NP deployment. For similar reasons, and given the commonality of industry participants and vendors in ongoing tests in different States, NARUC also urges the FCC to allow State implementation of service provider NP solutions, on a local, state or even regional basis.

To assist the FCC in acquiring the useful information resulting from these efforts, NARUC has already asked those States addressing NP issues to share their experiences and results with the FCC through the NARUC Subcommittee on Communications and the NARUC's Internet-accessible electronic BBS at Michigan State University.

- C. The FCC should use the data gathered in this proceeding and from State implementation proceedings to establish nationwide policy guidelines concerning service provider, location and service telephone number portability. The guidelines should recognize and accommodate different State-implemented service provider solutions that are not inconsistent with nationwide number portability policy.

The Commission has already acknowledged in paragraph 77, of the FCC' July 13, 1995 released and adopted "Report and Order" *In the Matter of Administration of the North American Numbering Plan*, in CC Docket No. 92-237, that "States have a role and certain interests in the regulation of numbering resources and...[the FCC]..need not preempt states in order to take action with respect to numbering." In the instant NPRM, the FCC builds on that acknowledgment by recognizing, in paragraph 32, mimeo at 13, "...that state regulators also have legitimate interests in the development of numbering portability..." and that some States are already "deploying number portability measures". Also in that paragraph, the FCC asks parties to "...address the need to develop a uniform solution...and whether the deployment of different number portability methods across the country is in the public interest."

In response to this FCC query, NARUC's resolution argues that the FCC should use the data gathered in the NPRM comments and from the State implementation efforts "to establish nationwide policy guidelines concerning service provider, location and service telephone number portability." However, in light of the acknowledged (i) historical State role in the oversight of local numbering issues, and (ii) currently ongoing State implementation proceedings, the NARUC urges the FCC, when implementing these

guidelines, to recognize and accommodate different State-implemented service provider solutions that are not inconsistent with nationwide NP policy.

IV. CONCLUSION:

Based on the foregoing, NARUC respectfully requests that the FCC (1) continue to allow and encourage State Commissions to move forward with existing and future NP workshops, trials and full NP implementation schedules and (2) use the data - gathered from (i) this proceeding and (ii) the various multiple state NP initiatives - to establish nationwide service provider, location and service telephone number portability policy guidelines which accommodate states-implemented service provider solutions that are not inconsistent with the nationwide policy.


Respectfully submitted,

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September 12, 1995

In the Matter of
Telephone Number Portability
CC Docket No. 95-116
RM 8535

APPENDIX A

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONER'S
JULY 1995

RESOLUTION CONCERNING THE FCC'S REPORT AND ORDER ON THE
NORTH AMERICAN NUMBERING PLAN

and

RESOLUTION ON THE FCC'S NOTICE OF PROPOSED RULEMAKING
ON NUMBER PORTABILITY

**Resolution on the FCC's Notice of Proposed Rulemaking
On Number Portability**

WHEREAS, The Federal Communications Commission (FCC), in a Notice of Proposed Rulemaking (NPRM) in CC Docket No. 95-116, RM 8535, released on July 13, 1995, proposed to develop rules concerning telephone number portability; and

WHEREAS, The FCC tentatively concluded that the portability of geographic telephone numbers (those with area codes that represent specific geographic areas) benefits consumers and will contribute to the development of competition among alternative providers of local telephone and other telecommunications services; and

WHEREAS, The FCC tentatively concluded that it should assume a leadership role in developing a national number portability policy due to the impact of telephone number portability on interstate telecommunications, while stating that state regulators have legitimate interests in the development of number portability;

WHEREAS, The FCC also tentatively concluded that there is a federal interest in these areas because deployment of different number portability solutions across the country would have significant impact on the provision of interstate telecommunications services; and

WHEREAS, The FCC sought comment about the costs (both monetary and nonmonetary) of making geographic telephone numbers portable among service providers, services, or locations: (1) the feasibility, limitations and cost of longer-term number portability solutions; (2) the feasibility, limitations, and costs of interim number portability measures; (3) issues associated with a transition to a permanent number portability environment; (4) allocation of number portability costs between federal and state jurisdictions; and

WHEREAS, The FCC tentatively concluded that service provider portability of 900 and 500 numbers is beneficial for customers of those services and invited comments on the costs of deployment and other implementation issues; and

WHEREAS, State regulators are currently moving forward with service provider number portability evaluation and solutions, as a part of the emergence of local exchange competition, that may not conflict with federal interests; now, therefore, be it

RESOLVED, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 1995 Summer Meeting in San Francisco, California, supports the notion that more information (both monetary and nonmonetary) is necessary about the development and implementation of the different types of telephone number portability, including service provider portability of 900 and 500 numbers, as number portability is an integral element of local exchange competition; and be it further

RESOLVED, That the NARUC recommends State Commissions be allowed and encouraged to move forward with their existing and future workshops, trials and tests of telephone number portability as one means of gathering timely information about the development and implementation of number portability; and be it further

RESOLVED, That state implementation of service provider number portability solutions, on a local, state or even regional basis, should not be discouraged in developing telephone number portability, given the commonality of industry participants and vendors in ongoing trials and tests in different states; and be it further

RESOLVED, That the FCC use the information gathered in the NPRM comments and from the state workshops, trials and tests to establish nationwide policy guidelines concerning service provider, location and service telephone number portability, recognizing and accommodating that some states may have implemented different service provider number portability solutions that are not inconsistent with nationwide number portability policy; and be it further

RESOLVED, That the States that are conducting workshops, trials and tests be encouraged to share their results through the NARUC Subcommittee on Communications and the Michigan BBS; and be it further

RESOLVED, That the NARUC General Counsel be directed to file comments and take any appropriate actions to further the intent of this resolution. Adopted July 26, 1995 By the NARUC Executive Committee.

**Concerning the FCC's Report and Order On
the North American Numbering Plan**

WHEREAS, On July 13, 1995, the Federal Communications Commission (FCC) released a Report and Order (Report) in CC Docket No. 92-237, instituting a new model for the administration of the North American Numbering Plan (NANP); and

WHEREAS, Under the new model, the FCC will set broad policy objectives for number administration, be the final arbitrator of domestic numbering disputes, and work closely with industry, consumers, states, and other member countries in the NANP to ensure timely and fair number administration; and

WHEREAS, In the Report, the FCC established a North American Numbering Council (NANC), with broad membership including the industry, consumers, state regulators and other NANP member countries, that will develop guidelines for number administration, provide guidance to the NANP administrator, serve as an initial forum for number disputes and advise and make recommendations, reached through consensus, to the FCC on numbering issues; and

WHEREAS, The new NANP model included an independent non-governmental NANP administrator that is not aligned with any particular telecommunications industry segment and that is responsible for processing number resource applications and maintaining administrative numbering databases; and

WHEREAS, Nothing in the new NANP model prevents state regulatory commissions from continuing their oversight and decisions in the implementation of new Number Plan Area codes; and

WHEREAS, The FCC concluded that the gross revenues of each communications provider should be used to compute each provider's contribution to the funding of the new NANP administrator; and

WHEREAS, The NARUC has supported transferring administration of the NANP to a neutral third party and allocating costs and cost recovery associated with telephone number administration to those using the resources; now, therefore, be it

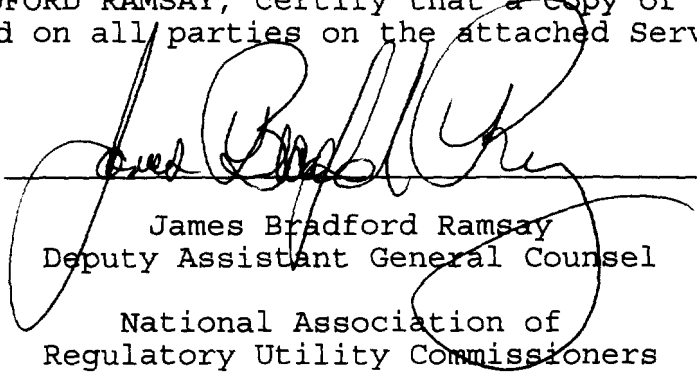
RESOLVED, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 1995 Summer Meeting in San Francisco, California, commends the FCC for establishing a new NANP model that recognizes the changing telecommunications environment and the states' interest in the administration and oversight of numbering resources; and be it further

RESOLVED, That, as part of its recommendations to the FCC about implementation of the new NANP model, the North American Numbering Council should include recommendations on how to educate the public about the numbering plan, inform about numbering plan processes, and make numbering issue deliberations as publicly available as possible, utilizing electronic posting, public bulletin boards, etc. Adopted July 26, 1995 by the NARUC Executive Committee.

In the Matter of
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CC Docket No. 95-116
RM 8535

CERTIFICATE OF SERVICE

I, JAMES BRADFORD RAMSAY, certify that a copy of the foregoing
was served on all parties on the attached Service List.



James Bradford Ramsay
Deputy Assistant General Counsel

National Association of
Regulatory Utility Commissioners

September 12, 1995